

Application of Bhupesh Dua, et al. – U.S. Patent Application No. 10/791,289

### LISTING OF CLAIMS

This Listing of Claims will replace all prior versions and Listings of Claims in the application:

- 1 (Currently amended). An article of footwear comprising:  
an upper incorporating a weft-knitted textile element ~~formed through a weft knitting process, the textile element~~ having edges that are joined together to define at least a portion of a void for receiving a foot, wherein the weft-knitted textile element incorporates a single type of textile having a plurality of knit constructions; and  
a sole structure secured to the upper.
- 2 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile element forms at least a portion of a lateral side, a medial side, and an instep region of the upper.
- 3 (Original). The article of footwear recited in claim 1, wherein the edges include a pair of first edges that are joined to form a first seam extending longitudinally along a lower region of the upper.
- 4 (Original). The article of footwear recited in claim 3, wherein the edges include a pair of second edges that are joined to form a second seam extending along a heel region of the upper.
- 5 (Original). The article of footwear recited in claim 4, wherein the second seam extends vertically.
- 6 (Original). The article of footwear recited in claim 4, wherein the edges include at least a pair of third edges that are joined to form a third seam extending through a forefoot area of the upper.

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7-10 (Canceled).

11 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.

12 (Currently amended). The article of footwear recited in claim 1, wherein the upper includes an exterior layer, an intermediate layer, and an interior layer, and the weft-knitted textile element forms at least a portion of the interior layer.

13 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile layer-element forms at least a portion of both an interior surface and an exterior surface of the upper.

14 (Original). The article of footwear recited in claim 13, wherein at least one additional element is secured to the exterior surface and forms a portion of the exterior surface.

15 (Original). The article of footwear recited in claim 14, wherein the additional element is secured to a forefoot area of the upper.

16 (Original). The article of footwear recited in claim 14, wherein the additional element is secured to a heel area of the upper.

17 (Original). The article of footwear recited in claim 1, wherein the textile element forms an interior surface of the upper.

18 (Currently amended). The article of footwear recited in claim 1, wherein the ~~weft knitting process is~~ weft-knitted textile element is created by circular knitting.

19 (Currently amended). The article of footwear recited in claim 1, wherein the ~~weft knitting process is~~ weft-knitted textile element is created by flat knitting.

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20 (Currently amended). An article of footwear comprising:

an upper incorporating a weft-knitted textile element ~~formed through a weft knitting process~~, the textile element having a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying properties to the textile element; and

a sole structure secured to the upper.

21 (Original). The article of footwear recited in claim 20, wherein the first stitch configuration provides a substantially smooth texture to the first area, and the second stitch configuration provides a texture to the second area that is rougher than the smooth texture.

22 (Original). The article of footwear recited in claim 21, wherein the second stitch configuration forms a rib structure in the second area.

23 (Currently amended). The article of footwear recited in claim 20, wherein at least one of the first stitch configuration and the second stitch configuration forms an aperture in the weft-knitted textile element.

24 (Currently amended). The article of footwear recited in claim 20, wherein the weft-knitted textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.

25 (Currently amended). The article of footwear recited in claim 20, wherein the upper includes an exterior layer, an intermediate layer, and an interior layer, and the weft-knitted textile element forms at least a portion of the interior layer.

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26 (Original). The article of footwear recited in claim 20, wherein the textile layer forms at least a portion of both the interior surface and an exterior surface of the upper.

27 (Currently amended). The article of footwear recited in claim 20, wherein the weft-knitted textile element forms an interior surface of the upper.

28 (Currently amended). An article of footwear comprising:  
an upper incorporating a textile element having edges that are joined together to form seams and define at least a portion of a void for receiving a foot, the seams including a first seam and a second seam, the first seam extending from a heel area to a forefoot area of the footwear along a lower surface of the upper, and the second seam extending vertically in the heel area, wherein the textile element incorporates a single type of textile having a plurality of knit constructions; and  
a sole structure secured to the upper.

29 (Original). The article of footwear recited in claim 28, wherein the footwear includes a third seam extending through the forefoot area of the upper.

30 (Canceled).

31 (Currently amended). The article of footwear recited in claim ~~30~~ 28, wherein at least one of the ~~first stitch type and the second stitch type form~~ knit constructions forms an aperture in the textile element.

32 (Currently amended). The article of footwear recited in claim ~~30~~ 28, wherein the knit constructions produce varying properties ~~include in the textile element including a~~ varying elasticity of the textile element.

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33 (Currently amended). The article of footwear recited in claim ~~30~~ 28, wherein the knit constructions produce varying properties ~~include in the textile element including a~~ varying air permeability of the textile element.

34 (Original). The article of footwear recited in claim 28, wherein the textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.

35 (Currently amended). The article of footwear recited in claim 28, wherein the ~~textile-layer element~~ forms at least a portion of both an interior surface and an exterior surface of the upper.

36 (Currently amended). The article of footwear recited in claim 28, wherein the ~~textile-layer element~~ forms an interior surface of the footwear, and at least one additional layer forms an exterior surface of the footwear.

37 (Currently amended). The article of footwear recited in claim 28, wherein at least a portion of the textile element is formed through ~~has a weft-knitting~~ knitted process construction.

38 (Currently amended). The article of footwear recited in claim 37, wherein the weft ~~knitted-knitting~~ construction process is produced by one of circular knitting and flat knitting.

39 (Currently amended). The article of footwear recited in claim 28, wherein the ~~textile element is formed through~~ has a warp knitting-knitted process-construction.

40 (Currently amended). The article of footwear recited in claim 39, wherein the warp ~~knitting-knitted process-construction~~ is produced by a jacquard double needle-bar raschel.

41 (Currently amended). An article of footwear comprising:

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an upper incorporating a knitted textile element formed with a knitting machine, the textile element being removed from a textile structure that includes an outline of the textile element, and the textile element having edges that are joined together to define at least a portion of a void for receiving a foot, wherein the textile element incorporates a single type of textile having a plurality of knit constructions; and  
a sole structure secured to the upper.

42 (Currently amended). The article of footwear recited in claim 41, wherein the knitted knitting-textile element machine has a structure formed by is a wide-tube circular knitting machine.

43 (Currently amended). The article of footwear recited in claim 41, wherein the knitted knitting-textile element machine has a structure formed by is a jacquard double needle-bar raschel knitting machine.

44 (Original). The article of footwear recited in claim 41, wherein the edges include a pair of first edges that are joined to form a first seam extending longitudinally along a lower region of the upper.

45 (Original). The article of footwear recited in claim 44, wherein the edges include a pair of second edges that are joined to form a second seam extending along a heel region of the upper.

46 (Original). The article of footwear recited in claim 45, wherein the edges include at least a pair of third edges that are joined to form a second seam extending through a forefoot area of the upper.

47 (Canceled).

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48 (Currently amended). The article of footwear recited in claim 41, wherein the knitted textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.

49 (Currently amended). The article of footwear recited in claim 41, wherein the knitted textile element forms an interior surface of the upper.

50-64 (Canceled).

65 (Currently amended). An article of footwear comprising:  
an upper incorporating a flat-knitted textile element ~~formed through a flat knitting process~~, the flat-knitted textile element having a first area with a first unitary construction and a second area with a second unitary construction different from the first unitary construction, the first area having a first set of properties, and the second area having a second set of properties that are is different from the first set of properties to impart varying characteristics to the textile element; and  
a sole structure secured to the upper.

66 (Original). The article of footwear recited in claim 65, wherein the first set of properties and the second set of properties are at least one of a stitch configuration and a yarn type.

67 (Original). The article of footwear recited in claim 65, wherein the textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.